

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
CLIO GARLAND individually and
d/b/a CLIO FILMS,

Plaintiff, :

REPORT & RECOMMENDATION

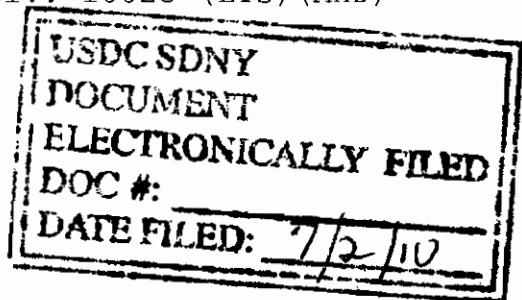
-against- :

09 Civ. 10025 (LTS) (MHD)

KERRI ACCARDI and PHILIP ARMAND, :

Defendants. :

-----x
TO THE HONORABLE LAURA T. SWAIN, U.S.D.J:



At a pre-trial conference held today, pro se plaintiff Clio Garland advised the court on the record that she wished to discontinue her claims as asserted against defendant Philip Armand. Based on that representation, we recommend that the court grant the request and dismiss Mr. Armand as a defendant. Since plaintiff further represented that she has concluded that she does not have a viable claim against Mr. Armand, we further recommend that the dismissal be with prejudice.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from this date to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of Court and served on all adversaries, with extra copies to be delivered to the chambers of the Honorable Laura Taylor Swain, Room 755, 500 Pearl Street, New

York, New York 10007, and to the chambers of the undersigned, Room 1670, 500 Pearl Street, New York, New York, 10007. Failure to file timely objections may constitute a waiver of those objections both in the District Court and on later appeal to the United States Court of Appeals. See Thomas v. Arn, 474 U.S. 140, 150 (1985); Small v. Sec'y of Health and Human Servs., 892 F.2d 15, 16 (2d Cir. 1989); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e).

Dated: New York, New York
July 1, 2010



MICHAEL H. DOLINGER
UNITED STATES MAGISTRATE JUDGE

Copies of the foregoing Report and Recommendation have been mailed today to:

Ms. Clio Garland
P.O. Box 3234
Sag Harbor, New York 11963

Ron Lazebnik, Esq.
Lincoln Square Legal Services, Inc.
Fordham University School of Law
33 West 60th Street
3d Floor
New York, New York 10023